

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN MICHAEL AALBERS,
[DOB: 04/29/1974]

Defendant.

Case No. 23-00251-01-CR-W-BCW

COUNT ONE:

Attempted Production of Child Pornography

18 U.S.C. §§ 2251(a) and (e)

NLT: 15 Years Imprisonment

NMT: 30 Years Imprisonment

NMT: \$250,000 Fine

Supervised Release: 5 Years to Life

Class B Felony

COUNT TWO:

Possession of Child Pornography

18 U.S.C. § 2252(a)(4) and (b)(2)

NMT: 10 Years Imprisonment

NMT: \$250,000 Fine

Supervised Release: 5 Years to Life

Class C Felony

Criminal Forfeiture Allegation

18 U.S.C § 2253(a)

\$100 Mandatory Special Assessment Each Count

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

(Attempted Production of Child Pornography)

Between on or about December 28, 2020 and October 28, 2023, the dates being approximate, in Kansas City, Missouri, in the Western District of Missouri, the defendant, BRIAN MICHAEL AALBERS, did knowingly employ, use, persuade, induce, entice and coerce a minor,

Minor Victim, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, which visual depiction was transported in or affecting interstate or foreign commerce, and was produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce, and attempted to do so, all in violation of Title 18, United States Code, Sections 2251(a) and (e).

COUNT TWO

(Possession of Child Pornography)

On or about October 28, 2023, in the Western District of Missouri, the defendant, BRIAN MICHAEL AALBERS, knowingly possessed one or more films, videotapes and other matter which contained one or more visual depictions, which involved a minor, that had been shipped and transported in or affecting interstate commerce, by any means including by computer, and which were produced using materials which had been shipped and transported in interstate and foreign commerce by any means including by computer; and the production of the visual depictions involved the use of minors engaging in sexually explicit conduct, and were visual depictions of such conduct, all in violation of Title 18, United States Code, Sections 2252(a)(4) and (b)(2).

FORFEITURE ALLEGATION

The allegations contained in Counts One and Two of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 2253.

The defendant shall forfeit to the United States of America:

1. Any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, 2252, 2252A or 2260, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of Title 18, United States Code, Chapter 110;
2. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses; and
3. Any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses, or any property traceable to such property.

The property to be forfeited includes, but is not limited to:

1. Silver Apple MacBook A1707;
2. A microSD card, serial number unknown, with the printed words "MICTG P XC I 128GB;"
3. A transcend microSD card, serial number unknown;
4. A microSD card, serial number unknown, with the printed words "MICROSD XC 128GB,"and
5. A microSD card, serial number unknown, with the printed words "MICROSD XC I 128GB."

SUBSTITUTE ASSETS

If any of the property described above, as a result of any act or omission of the defendant:

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third party;

3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be divided without difficulty,

The United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b) and by Title 28, United States Code, Section 2461(c).

All in violation of Title 18, United States Code, Section 2253.

A TRUE BILL.

Date: 11/28/2023

/s/ Gene Stattelman
FOREPERSON OF THE GRAND JURY

/s/ Maureen Brackett
Maureen A. Brackett
Assistant United States Attorney
Special Victims Unit
Western District of Missouri